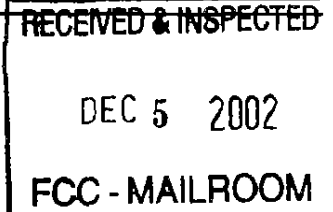


Federal Communications Commission

DA 02-3256

Before the
Federal Communications Commission
Washington, DC 20554



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|---|---|-----------------------------------|
| In the Matter of |) | |
| |) | |
| Request for Review of the |) | |
| Decision of the |) | |
| Universal Service Administrator by |) | |
| |) | |
| City of Newport News |) | File No. NEC.471.12-16-99.2700001 |
| Newport News, Virginia |) | |
| |) | |
| Federal-State Joint Board on |) | CC Docket No. 96-45 |
| Universal Service |) | |
| |) | |
| Changes to the Board of Directors of the |) | CC Docket No. 97-21✓ |
| National Exchange Carrier Association, Inc. |) | |

ORDER**Adopted: November 26, 2002****Released: November 27, 2002**

By the Telecommunications Access Policy Division, Wireline Competition Bureau:

1 The Telecommunications Access Policy Division (Division) has under consideration a Request for Review filed by City of Newport News (Newport News), Newport News, Virginia.¹ Newport News seeks review of a decision by the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (Administrator), which rejected Newport News' Funding Year 2000 application for discounts under the schools and libraries universal service support mechanism on the grounds that Newport News failed to sign the certification page.² For the reasons set forth below, we deny the Request for Review.

2. In its Request for Review, Newport News argues that its failure to sign the certification page was not an omission of "substance" because no information was omitted.³ It further argues that requiring an applicant to sign the application is illogical because "no applicant

¹ Letter from Ed Maroney, City of Newport News, to Federal Communications Commission, filed January 23, 2002 (Request for Review).

² See Request for Review; see also Letter from Schools and Libraries Division, Universal Service Administrative Company, to Gaddis Key, Newport News Public Schools, dated February 16, 2000; Letter from Schools and Libraries Division, Universal Service Administrative Company, to Gaddis Key, Newport News Public Schools, dated October 26, 2001. Section 54.719(c) of the Commission's rules provides that any person aggrieved by an action taken by a division of the Administrator may seek review from the Commission. 47 C.F.R. § 54.719(c).

³ Request for Review at 2.

will be bound to . . . the actual receipt and expenditure of funds . . . until that applicant becomes a recipient of these grant funds.”⁴

3. We have reviewed the record before us and conclude that SLD properly rejected Newport News’ FCC Form 471. The Wireline Competition Bureau, formerly the Common Carrier Bureau, has previously affirmed the requirement of a signature in Block 6 of the FCC Form 471 as a minimum processing standard.⁵ Davis has presented no evidence that leads to a departure from this standard. We reject the contention that the signature requirement is illogical and that its omission is not significant. We have previously held that signature certification is fundamental to the administration of the SLD program.⁶

4. SLD relies on the signature certification to establish the authority of the signer to represent the applicant. Signature certifications ultimately satisfy the program’s policy objective of binding the applicants and service providers to the program requirements. Therefore, we find that the signature certification requirement is essential in that it protects the program from fraud and waste, serves as an additional means of holding applicants accountable for their representations, and assists in the efficient administration of the program. Newport News concedes that it failed to take this important step to complete its application. By failing to submit a signature certification, Newport News omitted the legally binding act that signifies compliance with program rules. Therefore, its application was incomplete and ineffective, for lack of a certifying signature. We have repeatedly affirmed SLD’s practice of rejecting such applications.’ We therefore find no error in SLD’s rejection of Newport News’ application without contacting Newport News to obtain a new signature page.

5. Newport News also argues that it has a record of responsible participation in the universal service support mechanism, and asserts that, therefore, SLD should **have** processed the application while contacting Newport News to obtain a new signature page.’ However, Newport News’ compliance with program requirements in other applications does not excuse its failure to sign the application at issue.’

⁴ *Id.*

⁵ *Request for Review by South Barber Unified School District 255, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-158897, CC Dockets No. 96-45 and 97-21, Order, 16 FCC Rcd 18435 (Conn. Car. Bur. 2001) (*Barber Order*).

⁶ *Request for Review by New Hartford Central School District Federal Joint Board on Universal Service. Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-007628, CC Dockets Nos. 96-45 and 97-21, Order, 16 FCC Rcd 19329 (Conn. Car. Bur. 2001), para. 6; *see also Barber Order*, para. 6 (“We wish to underscore the importance of the signature certification on the FCC Form 471.”).

⁷ *See, e.g., Request for Review by Davis School District, Federal-State Joint Board on Universal Service, Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-223665, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 6491 (Conn. Car. Bur. 2002) (*Davis Order*).

⁸ Request for Review at 2-3

⁹ *Davis Order*, 17 FCC Rcd at 6494, para. 10.

6. Newport News also notes that its application was returned after the filing window had closed, ensuring that Newport News would not be able to correct it.¹⁰ It is well established, however, that an applicant is not entitled to relief merely because **an** application is rejected after the period for submitting a new application has passed." The burden of ensuring that an application is complete and accurate properly rests with the applicants themselves.

7. ACCORDINGLY, IT IS ORDERED ,pursuant to authority delegated under sections 0.91, 0.291, and 54.722(a) of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, and 54.722(a), that the Request for Review filed by City of Newport News, Newport News, Virginia, on January 23, 2002 IS DENIED.

FEDERAL COMMUNICATIONS COMMISSION



Mark G. Seifert
Deputy Chief, Telecommunications Access Policy Division
Wireline Competition Bureau

¹⁰ Request for **Review** at 2.

¹¹ *Request for Review by St. Mary's School. Federal-State Joint Board on Universal Service. Changes to the Board of Directors of the National Exchange Carrier Association, Inc.*, File No. SLD-261967, CC Dockets No. 96-45 and 97-21, Order, 17 FCC Rcd 13389, para. 2 (Conn. Car. Bur. 2002).